



DONALD L. WOLFE, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

"To Enrich Lives Through Effective and Caring Service"

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IN REPLY PLEASE

REFER TO FILE: **PM-3**

June 19, 2007

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**NEW FIRE STATION 93 PROJECT – APPROVE PROJECT BUDGET
AWARD CONSTRUCTION CONTRACT - SPECS. 6833; C.P. 70962
SUPERVISORIAL DISTRICT 5
4 VOTES**

**JOINT RECOMMENDATION WITH THE CHIEF ADMINISTRATIVE OFFICER AND
THE FIRE CHIEF THAT YOUR BOARD, ACTING AS THE GOVERNING BODY OF
THE CONSOLIDATED FIRE PROTECTION DISTRICT:**

1. Approve the enclosed Appropriation Adjustment in the amount of \$1,230,000 to recognize revenue of \$295,000 and transfer \$757,000 from the Fire District Accumulated Capital Outlay Fund, Services and Supplies appropriation, and \$178,000 from the Appropriation for Contingency to the New Fire Station 93, Capital Project (C.P.) 70962, to fully finance the proposed project cost.
2. Approve the total \$9,532,000 project budget for construction of the New Fire Station 93 project.
3. Find that the bid submitted by the original apparent lowest bidder, Eberhardt Construction, was nonresponsive and that Novus Construction is the apparent lowest responsible bidder, and award to Novus Construction a Construction Contract for the New Fire Station 93 project, subject to the satisfactory and timely completion by the contractor of the Consultant

Services Agreement to prepare a baseline construction schedule for the project and receipt by the County of Acceptable Faithful Performance and Payment for Labor and Materials Bonds and evidence of required contractor insurance.

4. Delegate to the Director of Public Works the authority to determine, in accordance with the applicable Contract and bid specifications, whether the contractor has satisfied the above conditions for contract award, and authorize the Director to execute the Construction Contract, in the form previously approved by County Counsel, with Novus Construction and to establish the effective date of the Construction Contract if the Director determines that the above conditions have been satisfied.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approving the recommendations will allow construction of the New Fire Station 93 to commence.

The New Fire Station 93 is proposed to be located at 5624 East Avenue R, Palmdale, California, a rapidly growing community of primarily residential homes. The proposed project will provide additional fire protection and emergency medical services to the City of Palmdale and surrounding County unincorporated area.

The proposed project is a new 11,944-square-foot Battalion Headquarters Fire Station, which consists of a three-bay apparatus room, main office, day room, kitchen, an exercise room, Battalion Chief office, and dormitory quarters for seven personnel. The architectural plan conforms to the Fire District's new station prototype design/construction specifications adopted in 1999 and complies with the Americans with Disabilities Act.

On February 1, 2005, your Board approved a Planning and Development Agreement between the Fire District and the City. The Agreement addresses the increasing need for fire protection and emergency medical services in the City. As a condition of this Agreement, the City will convey the land for the New Fire Station 93 to the County, construct the off-site water and sewer infrastructure, and reimburse the Fire District for up to 24 percent of the project costs. In return, the Fire District will fund the project costs and make a good faith effort to complete construction within 38 months of land conveyance.

In February 2005, your Board awarded an Architectural Agreement to William Jones, Architect, for design of the New Fire Station 93 project.

On February 13, 2007, your Board adopted plans and specifications for the project and authorized advertising for construction bids. On March 20, 2007, five bids were received. Eberhardt Construction submitted the apparent lowest bid. A protest was filed following the bid opening on March 21, 2007. Upon further review of the bid documents, with County Counsel's concurrence, Public Works determined that Eberhardt Construction's bid was found nonresponsive.

As instructed by your Board, a Consultant Services Agreement has been executed with Novus Construction to prepare a baseline schedule for a \$16,750 not-to-exceed fee. The cost of the Consultant Agreement with Novus Construction has been subtracted from their total lump sum bid as described in the Instruction to Bidders. Therefore, we recommend your Board award the Contract to the next apparent lowest responsible bidder, Novus Construction, with its bid amount of \$5,855,334.

Implementation of Strategic Plan Goals

These actions meet the County Strategic Plan Goal of Service Excellence as this new Fire Station will improve the efficiency, quality, and responsiveness by providing additional fire protection and emergency medical services to all residents within the City and adjoining County unincorporated areas.

FISCAL IMPACT/FINANCING

The recommended Construction Contract with Novus Construction is for \$5,855,334. In addition, 10 percent of the contract amount is allocated for Change Orders in the project budget. The total project cost, including plans and specifications, plan check, construction, Civic Art allocation, equipment, consultant services, miscellaneous expenditures, and County services, is now estimated at \$9,532,000, which is \$923,400 less than the original total project cost estimate. The Project Schedule and a Budget Summary are shown in Enclosure A.

Upon your Board's approval of the enclosed Appropriation Adjustment for \$1,230,000, sufficient appropriation will be included in the Fiscal Year 2006-07 Capital Projects/Refurbishment Budget to implement the proposed project.

The City will reimburse the Fire District up to \$2,287,680 or 24 percent of the total project cost from their Fire Facilities Impact Fees. The remaining \$7,244,320 in project costs will be funded from the Fire District Accumulated Capital Outlay Fund. There is no impact on net County cost.

Operational Financing

Following construction of the proposed New Fire Station 93, the Fire District anticipates incurring one-time, start-up costs of \$150,000 for furniture and other equipment. Ongoing annual operating costs for a three-person engine company, two-person paramedic squad, and Battalion Chief and staff at the proposed New Fire Station 93 are estimated at \$2,537,000. Any net increases in ongoing costs of the new station, including utilities, will be absorbed in by the Fire District's operating budget following occupancy.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

The original bidder, Eberhardt Construction, submitted bid documents which upon further review by Public Works and County Counsel were found to be nonresponsive; therefore, we recommend that the Contract be awarded to the next lowest responsible bidder, Novus Construction.

A standard contract, in the form previously approved by County Counsel, will be used. The standard Board-directed clauses that provide for contract termination, renegotiation, and hiring qualified displaced County employees will be included.

The project specifications contain provisions requiring the contractor to report solicitations of improper consideration by County employees and allowing the County to terminate the Contract if it is found that the contractor offered or gave improper consideration to County employees.

As requested by your Board on August 12, 1997, and as a threshold requirement for consideration for contract award, Novus Construction is willing to consider Greater Avenues for Independence Program/General Relief Opportunity for Work participants for future employment.

As required by your Board, language has been incorporated into the project specifications stating that the contractor shall notify its employees, and shall require each subcontractor to notify its employees, about Board Policy 5.135 (Safely

Surrendered Baby Law) and that they may be eligible for the Federal Earned Income Credit under the Federal income tax laws.

As required by your Board, the project cost includes 1 percent of design and construction costs to be allocated to the Civic Art Fund per your Board's Civic Art Policy adopted on December 7, 2004.

Novus Construction is in full compliance with Los Angeles County Code Chapter 2.200 (Child Support Compliance Program) and Chapter 2.203 (Contractor Employee Jury Service Program).

ENVIRONMENTAL DOCUMENTATION

On February 13, 2007, your Board adopted the Initial Study and the Mitigated Negative Declaration for the project.

CONTRACTING PROCESS

On February 13, 2007, your Board adopted plans and specifications for the project at an estimated \$7,002,000 construction cost and instructed the Executive Officer to advertise for construction bids. On March 20, 2007, five bids were received. Eberhardt Construction with a bid of \$4,944,000 was identified as the apparent lowest bidder. A protest was filed with respect to the bid submitted by Eberhardt Construction. Upon further review of the bid documents, Public Works determined, in consultation with County Counsel, that Eberhardt Construction's bid failed to identify the amount of work to be performed by two listed subcontractors, which was a material requirement of the bid specifications, and consequently its bid was nonresponsive. Accordingly, Novus Construction with a bid of \$5,872,084 became the apparent lowest responsible bidder meeting the criteria adopted by your Board. The bid results are summarized in Enclosure B.

Novus Construction's Community Business Enterprises participation data (32.7 percent) and 3-year contracting history with the County are on file with Public Works.

As requested by your Board on February 3, 1998, this contract opportunity was listed on the Doing Business with Us website.

The Honorable Board of Supervisors
June 19, 2007
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IMPACT ON CURRENT SERVICES (OR PROJECTS)

There will be no negative impact on current County services or projects during or after construction of the proposed project. Upon completion of the New Fire Station 93, the Fire District will be able to better meet the fire protection and emergency medical needs of the growing constituency in the City and adjoining County unincorporated areas.

CONCLUSION

Please return one adopted copy of this letter to the Chief Administrative Office (Capital Projects Division), Fire District, and Public Works.

Respectfully submitted,

DONALD L. WOLFE
Director of Public Works

DAVID E. JANSSEN
Chief Administrative Officer

P. MICHAEL FREEMAN
Fire Chief

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cc: Auditor-Controller
County Counsel
Office of Affirmative Action Compliance
Department of Public Social Services (GAIN/GROW Program)

June 19, 2007

ENCLOSURE A

**NEW FIRE STATION 93 PROJECT – APPROVE PROJECT BUDGET
AWARD CONSTRUCTION CONTRACT - SPECS. 6833; C.P. 70962**

I. PROJECT SCHEDULE

Project Activity	Scheduled Completion Date	Revised Scheduled Completion Date
Project Needs Assessment	Completed	Completed
Project Feasibility	Completed	Completed
Project Program	Completed	Completed
Design Construction Document Submittal Jurisdictional Approval	Completed	Completed
Construction Bid and Award	05/22/07	06/19/07
Construction Substantial Completion Project Acceptance	07/09/08 09/09/08	07/30/08 09/30/08

II. PROJECT SUMMARY

Budget Category	Estimated Budget	Impact of this Action	Revised Project Budget
Land Acquisition	0	0	0
Construction			
(a) Base Construction	\$ 7,002,000	(\$1,129,916)	\$ 5,872,084
(b) Change Order (10 percent)	\$ 700,200	(\$ 112,992)	\$ 587,208
(c) Utilities	\$ 50,000	\$ 51,613	\$ 101,613
(d) Civic Art	<u>\$ 78,000</u>	<u>(\$ 11,700)</u>	<u>\$ 66,300</u>
Subtotal	\$ 7,830,200	(\$ 1,202,995)	\$ 6,627,205
Equipment			
Telecommunications	\$ 179,000	0	\$ 179,000
Design			
Plans and Specifications	\$ 755,000	0	\$ 755,000
Consultant Services			
(a) Materials, Testing, and Inspection	\$ 70,000	\$ 60,000	\$ 130,000
(b) Estimating	\$ 21,000	\$ 10,547	\$ 31,547
(c) Scheduling	<u>\$ 28,200</u>	<u>\$ 13,048</u>	<u>\$ 41,248</u>
Subtotal	\$ 119,200	\$ 83,595	\$ 202,795
Misc. Expenditures			
(a) Office of Affirmative Action	\$ 20,000	0	\$ 20,000
(b) Legal and Advertising	\$ 20,000	0	\$ 20,000
(c) Furniture, Fixtures, and Equipment	<u>\$ 90,000</u>	0	<u>\$ 90,000</u>
Subtotal	\$ 130,000	0	\$ 130,000
Jurisdictional Review and Plan Check	\$ 25,000	0	\$ 25,000
County Services	\$ 1,417,000	\$ 196,000	\$ 1,613,000
TOTAL	\$10,455,400	(\$ 923,400)	\$ 9,532,000

June 19, 2007

ENCLOSURE B

**NEW FIRE STATION 93 PROJECT – APPROVE PROJECT BUDGET
AWARD CONSTRUCTION CONTRACT - SPECS. 6833; C.P. 70962**

The project includes construction of a new 11,944-square-foot Battalion Headquarters Fire Station.

Bid Opening Date: **March 20, 2007**

Bid Summary:

<u>Bidder</u>	<u>Total Lump Sum Bid</u>
1. Eberhardt Construction*	\$ 4,944,000
2. Novus Construction	\$ 5,872,084
3. Gonzales Construction	\$ 6,471,136
4. Morillo Construction	\$ 6,974,000
5. G-2000 Construction	\$ 7,700,000

* Nonresponsive bid

Financial Information:

Public Works' fair construction cost estimate was \$7,002,000.

The Contract will be issued to Novus Construction for \$5,855,334 (\$5,872,084, the amount of its base lump sum bid, minus \$16,750, the amount of the Consultant Services Agreement previously awarded to Novus Construction for the preparation of a baseline construction schedule).

COUNTY OF LOS ANGELES
REQUEST FOR APPROPRIATION ADJUSTMENT
DEPARTMENT OF FIRE

DEPT'S. No. 390-08

May 3, 2007 *px*

AUDITOR-CONTROLLER.

THE FOLLOWING APPROPRIATION ADJUSTMENT IS DEEMED NECESSARY BY THIS DEPARTMENT. WILL YOU PLEASE REPORT AS TO ACCOUNTING AND AVAILABLE BALANCES AND FORWARD TO THE CHIEF ADMINISTRATIVE OFFICER FOR HIS RECOMMENDATION OR ACTION.

ADJUSTMENT REQUESTED AND REASONS THEREFOR

4-Vote

Fiscal Year 2006-07

SOURCES:

Fire Dept - Capital Project ACO
Services & Supplies
J13-FR-50099-2000
\$757,000

Fire Dept - Capital Project ACO
Revenue - Other Misc./CP
J13-CP-70962-9923
\$295,000

Fire Dept - Capital Project ACO
Appropriation for Contingencies
J13-CP-3303
\$178,000 *e*

USES:

Fire Dept - Capital Project ACO
Fire Station 93
Buildings & Improvements
J13-CP-70962-6014
\$1,230,000

This appropriation adjustment is necessary to fund the construction costs for Fire Station 93.

Theresa R. Barrera ✓

Theresa R. Barrera, Asst. Chief FMD

CHIEF ADMINISTRATIVE OFFICER'S REPORT

ADOPTED

BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES

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JUN 19 2007

Sachi A. Hamai
SACHI A. HAMAI
EXECUTIVE OFFICER

REFERRED TO THE CHIEF
ADMINISTRATIVE OFFICER FOR—

ACTION

APPROVED AS REQUESTED

AS REVISED

RECOMMENDATION

June 8, 2007 19

CHIEF ADMINISTRATIVE OFFICER

AUDITOR-CONTROLLER

BY

Neil J. Long

APPROVED (AS REVISED):
BOARD OF SUPERVISORS

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No. 245

MAY 22 2007

BY

DEPUTY COUNTY CLERK

SEND 5 COPIES TO THE AUDITOR-CONTROLLER